

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: November 30, 2007

CALENDAR NO. 26,800

NO. 22940 MAYOR COUNCIL SERIES

**BY: COUNCILMEMBERS, ARNIE FEILKOW, JACKIE CLARKSON,
SHELLEY MIDIERA, STACEY HEAD, JAMES CARTER,
CYNTHIA HEDGE-MORRELL, CYNTHIA WILLARD-LEWIS (BY REQUEST)**
**AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 11,627
M.C.S., AS AMENDED, TO CONFORM TO THE *INTERNATIONAL FUEL GAS CODE*,
2006 EDITION, AND APPENDICES THERETO; AND OTHERWISE TO PROVIDE
WITH RESPECT THERETO:**

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
ORDAINS,** That Ordinance No. 11,627 M. C. S., The Gas Code of the City of New Orleans as amended, be and the same is hereby amended in its entirety and re-ordained to read as set forth in the *International Fuel Gas Code*, 2006 Edition, and appendices, except that the text of said document shall read as modified by the amendments on the following pages, which in the event of conflict shall supersede and take priority over any amended or unamended section. If an amendment is in conflict with only part of a section, it shall be construed as superseding only the part of the section with which it is in conflict.

SECTION 2. *The International Fuel Gas Code*, 2006 Edition, and appendices, is hereby adopted except that the text of the Code shall be as modified by the amendments set forth and in the event of conflict the amendments shall supercede and take priority over any amended

or unamended section. If an amendment is in conflict with only part of a section, it shall be construed as superseding only the part of the section with which it is in conflict.

SECTION 3. CITY NOT LIABLE. Nothing contained in this *International Fuel Gas Code, 2006 Edition*, shall be construed to relieve or lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defects of any nature in any work performed by the person or in any equipment owned, controlled, installed, operated or used by him, nor shall the City of New Orleans, or any officer, agent or employee thereof incur, or be held to assume, any liability by reason or in consequence of any permit, permission, certificate of inspection or approval authorized therein, or issued or given as herein provided, or by any reason of or in consequence of any things done or acts performed pursuant to any provisions of this *International Fuel Gas Code, 2006 Edition*.

SECTION 4. PRIOR VIOLATIONS. All suits at law or in equity and all prosecutions resulting from the violation of any gas ordinances heretofore in effect, which are now pending in any of the Courts of this State, or of the United States, shall not be abated or abandoned by reason of the adoption of this *International Fuel Gas Code, 2006 edition*, but shall be prosecuted to their finality the same as if this *International Fuel Gas Code, 2006 edition*, has not been adopted. Nothing in this *International Fuel Gas Code, 2006 edition*, shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, or which may have heretofore been instituted or prosecuted.

SECTION 5. RETROACTIVE CLAUSE. In the case of violations of gas ordinances committed before the effective date of this ordinance, the gas ordinance existing at the time the violations were committed shall apply and govern.

SECTION 6. That if any portion of or application of this Ordinance be held

unconstitutional or invalid by a Court of competent jurisdiction, the holding shall not effect the validity of the remaining portion of or application of the Ordinance, but the remaining portion or application shall be and remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective on **JANUARY 1, 2008.**

SECTION 8. That all ordinances, or parts of ordinances, contrary to or in conflict herewith, are hereby repealed.

SECTION 9. To Chapter 1 of the International Fuel Gas Code, 2006 Edition, be deleted in its entirety, and thereof the following shall be substituted in lieu:

“CHAPTER 1

ADMINISTRATIVE

101 - TITLE and SCOPE

101.1 - TITLE. These regulations shall be known and cited as *The International Fuel Gas Code*, 2006 edition, as amended by the City of New Orleans hereinafter referred to as “this code”. The Director of the Department of Safety and Permits as the appointing authority of the Department, and all of its Divisions, is referred to as “the Director.”

101.2 - SCOPE. The provisions of this Code shall apply to the design, installation, maintenance, alteration and inspection of fuel gas piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also apply to the fuel gas piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems and related accessories specifically addressed as follows:

1. Coverage of piping systems shall extend from the point of delivery to the connections with gas utilization equipment. (See “point of delivery”.)
2. Systems with an operating pressure of 125 psig or less.

Piping, systems for gas-air mixtures within the flammable range with an operating pressure of 10 psig.

LP-Gas piping systems with an operating pressure of 20 psig or less.
3. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.
4. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting.

This code shall not apply to the following:

1. Portable LP-Gas equipment of all types that are not connected to a fixed fuel piping system.
2. Installation of farm equipment such as brooders, dehydrators, dryers, and irrigation equipment.
3. Raw material (feedstock) applications except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.

7. Integrated chemical plants or portions of the plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
8. LP-Gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.
11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.
12. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.
13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
14. Installation of LP-Gas systems for railroad switch heating.
15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the gas utility company in the distribution of gas, other than undiluted LP-Gas.
17. Building design and construction, except as specified herein.

102.2.1 - Other fuels. The requirements for the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the *International Mechanical Code*, as amended by the City of New Orleans.

101.3 - Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.4 - Intent. The purpose of this code is to provide minimum standards to safeguard the public health, safety and general welfare by regulating and controlling the design, construction,

installation, quality of materials, location, operation and maintenance or use of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems.

101.4.1 - Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.5- Severability or partial invalidity. If a section, subsection, sentence, clause, phrase or portion of this code is, for any reason, held to be unconstitutional, illegal or void, the decision shall not affect the validity of the any of the remaining portions of this code.

SECTION 102 - APPLICABILITY

102.1- General. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 - Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.2 - Existing installations. Except as otherwise provided for in this Chapter, no provision in this code shall require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems or equipment lawfully in existence at the time of the adoption of this code.

102.3 - Maintenance. Fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems, both existing and new and parts thereof shall be

maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of the fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems. To determine compliance with this provision, the Director shall have the authority to require the fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems to be reinspected.

102.4 - Additions, alterations or repairs. Additions, alterations, renovations or repairs to the fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall conform to that required for a new system without requiring the existing system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall meet the provisions for new construction, unless the work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

102.5 - Change in occupancy. It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provisions of this code applicable to the new occupancy without approval. The Director shall certify that the structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that the change of occupancy does not result in any hazard to the public health, safety or welfare.

102.6 - Historic buildings. The provisions of this code relating to the construction, alteration,

repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when the buildings or structures are judged by the Director to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.7 - Moved buildings. Except as determined by Section 102.2, fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.8 - Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and the codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.9 - Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Director.

SECTION 103 - DUTIES AND POWERS

103.1 - General. The Director of the Department of Safety and Permits is authorized and directed to enforce the provisions of this Code. The Director has the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the

application of its provisions. The interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. The interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

103.2 - Records. The Director shall keep, or cause to be kept, a record of the business of the Department in accordance with the public records law of the State of Louisiana.

103.3 - Application and Permits. The Director shall receive applications, review construction documents and issue permits for the installation and alteration of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems, inspect the premises for which the permits have been issued and enforce compliance with the provisions of this Code.

103.4 - Notices and Orders. The Director shall issue all necessary notices or orders to ensure compliance with this Code.

103.5 Inspections. The Director shall make the required inspections, or accept reports of inspections by approved agencies or individuals. All reports of the inspections shall be in writing and certified by a responsible officer of the approved agency or by the responsible individual. The Director is authorized to engage the expert opinion necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

103.6 - Identification. The Director shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

103.7 - Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the Director has reasonable cause to believe that there exists in a structure or upon any premises a condition which is contrary to or in violations of this code which makes the structure or premises unsafe, dangerous or hazardous, the Director is authorized to enter the

structure or premises at all reasonable times to inspect or to perform the duties imposed upon him by this Code. If the structure or premises is occupied, the Director shall present credentials to the occupant and request entry. If the structure or premises is unoccupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Director has recourse to every remedy provided by law to secure entry.

103.8 - Liability. The Director, designee or any employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or be reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of his duties and under the provisions of this code shall be defended by the legal representative for the Department of Safety and Permits until the final termination of the proceedings. The Director or any of his subordinates shall not be liable for costs in an action, suit or proceeding that is instituted pursuant to the provisions of this code; and any officer in the Mechanical Inspection Division, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act of inclusion or omission in the performance of official duties as required by this Code.

111 - CLASSIFICATION OF GASFITTERS

111.1 - DEFINITION

Class "A" Master Gasfitter - A Class "A" gasfitter license holder engaged in the business of

installing or contracting to install or repairing or contracting to repair gas piping, gas appliances or any other gas fired apparatus.

Class "B" Journeyman Gasfitter - A Class "B" gasfitter license holder engaged in the trade of installing and/or repairing gas piping, materials or apparatus. A Class "B" Journeyman Gasfitter must be employed by and work under the supervision of a Class "A" Master Gasfitter.

111.2 - GASFITTERS' LICENSE

No person shall undertake any work as a Class "A" Master Gasfitter or a Class "B" Journeyman Gasfitter, unless that person has registered with the Mechanical Inspection Division of the Department of Safety and Permits of the City of New Orleans and received a license in his respective classification.

A person, firm or corporation engaging in the business of installing, constructing, reconstructing, altering, assembling, repairing, or servicing gas piping, gas appliance, gas water heater, apparatus, gas fired systems or parts thereof who does not hold or does not employ a person who holds the Class "A" Master Gasfitter or Class "B" Journeyman Gasfitter license shall be held in violation of this Code.

A Class "A" Master Gasfitter license issued under this chapter shall not be required for the following allied contractors performing ONLY their trade and are working on a gas system or apparatus as regulated by this Code:

- (1) Electrical
- (2) Plumbing
- (3) Air Conditioning and Refrigeration (HVAC)
- (4) Sheet metal
- (5) Insulating

(6) Operating Engineering (stationary) as defined in The New Orleans Amendments to the *International Mechanical Code*, 2006 Edition.

All of the above trades must, however, perform their trade work in association with or in support of the gas installation or the system utilizing gas appliances or equipment at the time the gas permit is active.

111.3 - CODE VIOLATION HEARING

If needed, the Chief Mechanical Inspector shall initiate a hearing, in conjunction with the Chief Building Official or the Director, to review a code violation he has determined to exist, that would cause a gas license issued by the Mechanical Inspection Division to be suspended or revoked.

111.4 - APPLICATIONS FOR EXAMINATIONS

General - A gasfitter candidate shall submit his examination fee and application to the nationally recognized testing company under contract with the City of New Orleans. The forms shall be furnished by the testing company and must be completed in accordance with their information brochure requirements.

Examination fees and applications shall be submitted directly to the nationally recognized testing company under contract with the City of New Orleans to the address within their brochure.

Applicants shall meet the following requirements:

- 1.** Applicants must be at least eighteen (18) years of age.
- 2.** Applicants for a Class "A" examination shall have had at least four (4) years experience in the occupation or business governed by the license for which he is applying or shall be a graduate of a trade school or technical college of recognized standing and in addition shall have had three (3) years of practical experience in that class of occupation or business governed by the license for

which he is applying.

3. Applicants for a Class "B" Journeyman Gasfitter examination must have at least four (4) years continuous experience working at the gasfitting trade or have a minimum of three (3) years of schooling in the gasfitting trade, at a recognized state trade school, with a passing grade.

4. Class "A" Master Gasfitter applicants must have someone in attendance or answering device to receive communications from the Mechanical Inspection Division, or other persons concerned, during regular business hours.

5. Class "A" Master Gasfitter license holder shall represent only one firm, corporation or business.

111.5 – EXAMINATIONS

Exam shall be held on dates identified in the issued Candidate Information Brochure of National Recognized Testing Company under contract with the City of New Orleans.

111.5.1 - RE-EXAMINATION

If an applicant fails to make a passing grade on his examination, he is permitted to apply to be re-examined at the next regularly scheduled examination date. There is no limit to the number of examinations a candidate is allowed to take.

111.6 - PASSING OF EXAMINATION

An applicant making a passing grade must obtain his license within one year (1) after being notified that he has passed the examination.

An applicant who has passed the gas examination and is obtaining his license shall furnish to the Mechanical Inspection Division two passport type photos, 1 inch by 1 ½ inches in size. Each license shall identify the name of the person to whom the license is issued and the expiration date. Each license shall bear the signature of the Chief Mechanical Inspector.

The license holder must have his license in his immediate possession at all times while performing the work for which he is licensed and shall display it upon demand.

11.6.1 - ACCEPTANCE OF OTHER JURISDICTIONAL CERTIFICATION

The Mechanical Inspection Division of the Department of Safety and Permits will extend to a Class "A" Master Gasfitter or Class "B" Journeyman Gasfitter license in another jurisdiction, the recognition and acceptance of his certification without the requirement of additional examination provided that the jurisdiction requires passing of an examination given by a nationally recognized testing agency before issuance of such license.

If approved by the Director, the applicant shall, present a copy of his license for the files and complete the necessary applications as required by the Mechanical Inspection Division. The applicant shall pay the appropriate registration fee for the classification of license for which he is applying.

11.7 - INSURANCE

Before a Class "A" Master Gasfitter license is initially issued or renewed to a certified Class "A" Master Gasfitter he must provide evidence of the following to the Director when he registers with the Mechanical Inspection Division.

(A) Workers' Compensation Insurance in accordance with Louisiana state law.

(B) Comprehensive general liability insurance coverage with limits of not less than \$500,000 per occurrence for bodily injury and \$250,000 per occurrence for property damage, with coverage extended as follows:

- (i) Operations-premises liability:
- (ii) Independent contractor's liability-broad form:
- (iii) Contractual liability - broad form:

(iv) Completed operations and products liability.

All insurance shall be issued by a company duly registered and/or authorized to write insurance in the State of Louisiana. Compliance with this section shall be considered as having been met when a copy of the policy or a license of insurance has been filed with and approved by the Director of the Department of Safety and Permits.

The policy shall include an endorsement thereon that the Director of the Department of Safety and Permits will be notified at least 10 days in advance in the event the policy or policies are canceled or permitted to lapse by not renewing before the expiration date of the license.

111.8 - FEDERAL IDENTIFICATION AND OCCUPATIONAL LICENSE

When a Class "A" Master Gasfitter registers with the Mechanical Inspection Division, he must provide his Federal Identification Number and his Parish occupational license number.

111.9 - LICENSE FEES

(A) To obtain a license, an applicant shall pay the applicable registration fee as follows:

Type:	Fee
Class "A" gasfitter	\$100.00
Class "A" gasfitter (INACTIVE).....	\$ 25.00
Class "B" Journeyman Gasfitter	\$ 50.00

(B) All license registration fees shall be made payable to "The City of New Orleans".

111.10 - PAYMENT OF FEES: DATES FOR RENEWAL LICENSES

The initial Class "A" Master Gasfitter license fee and required documentation shall be presented to the Mechanical Inspection Division when the application for the license registration is made.

The annual license renewal registration fee is due and payable to the Mechanical Inspection

Division on or before the first regular day of business after the applicant's birth date.

No Class "A" Master Gasfitter license renewal shall be issued unless all work specified on permit(s) filed more than three months prior to the applicant's birth date has been completed, or a written reason has been submitted to and approved by the Director, indicating why the work specified on the permit has not been completed.

A license issued during a calendar year shall expire, unless sooner revoked or rescinded, on the applicant's birth date in the following year.

If a Class "A" Master Gasfitter fails to renew his license prior to the first regular day of business after his birth date, or fail to complete the work specified on his permit(s) issued more than three months prior to his birth date without explanation, a delinquent fee of ten (\$10.00) dollars per month shall be added to his renewal fee beginning on the first regular day of business after his date of birth, and lasting for a period of one (1) year.

No permit application shall be processed, nor shall a permit be issued to an applicant that has not been issued a current valid Class "A" Master Gasfitter license.

If a Class "B" Journeyman Gasfitter license holder fails to renew his license prior to the first regular day of business after his date of birth, a delinquent fee of ten (\$10.00) dollars per month shall be added to his renewal fee beginning on the first regular day of business after his birth date.

If a Class "A" Master Gasfitter or Class "B" Journeyman Gasfitter license has been expired for more than a two (2) years period, an application and examination as a new applicant shall be required.

111.11 - INACTIVE LICENSE

A Class "A" Master Gasfitter Contractor may, by written request to and with the approval of

the Director, change his active license to an inactive status. A Class "A" Master Gasfitter that has changed his license to inactive, must maintain this inactive license in a current status by paying an annual renewal fee as required in this Code.

The inactive status is reserved for those individuals retired or not actively involved in the gasfitting business. There shall be no limit to the number of years the Class "A" Master Gasfitter may continue to carry his license in the inactive status.

A Class "A" Master Gasfitter may request his inactive license revert back to an active status by submitting the request in writing to and with the approval of the Director, and payment of the full active license fee.

Only one inactive change request shall be approved in a one twelve (12) month period. Inactive licenses shall have the same expiration date as active licenses.

No Class "A" Master Gasfitter shall engage in gasfitting business while his license is in an inactive status. However, when the Class "A" Master Gasfitter's license is in an inactive status he may work as a gasfitter, but only under the supervision of a Class "A" Master Gasfitter with a current active status license.

This inactive status does not apply to a Class "B" Journeyman Gasfitter license holder.

111.12 - PROHIBITION AGAINST LICENSE TRANSFER

A Class "A" Master Gasfitter shall not assign or convey his license to anyone by power of attorney or other process or become involved in a type of agreement, assignment or use where he will not have supervision, direction, control or responsibility for the gasfitting work for which he has obtained a permit from the Mechanical Inspection Division.

111.13 - LIMITATIONS OF LICENSE

A Class "A" Master Gasfitter license holder and a Class "B" Journeyman Gasfitter shall be

limited to operations described in this code. The use of his license shall not be applicable to more than one contracting firm, company or corporation at any one time. A Class "A" Master Gasfitter shall be allowed to file permits only for the firm or corporation registered with the Mechanical Inspection Division. This firm or corporation is considered as his employer.

111.14 - LICENSE REVOCATION OR SUSPENSION

Licenses issued under this code may be revoked or suspended for reasons as defined in this code. The Director shall initiate action for the license holder to show cause as to why the revocation or suspension would not be in order. However, the Director may find that the public interest would be adequately protected by a warning or a suspension for a definite period of time not to exceed two years. Upon a finding, the Director shall issue a warning or order a suspension.

Upon revocation, the Mechanical Inspection Division shall not accept an application for a new license or a renewal within two (2) years from the date of a revocation unless a shorter time period is granted at the discretion of the Director based on the circumstances of the revocation or suspension.

A gasfitter license shall only be issued after he has applied as a new applicant and passed the appropriate gas examination administered by the nationally recognized testing agency under contract with the City of New Orleans.

(a) Revocation or Suspension Reasons -

1. Violating, either willfully or maliciously, or by reason of incompetence, a provision of this code.
2. Conviction of an offense involving the victimizing, deception or defrauding of a person for whom a service has been rendered or contracted to be rendered under this chapter.

3. Fraud or misrepresentation in obtaining a license or permit for an installation involving gas fired appliances or the trade of gasfitting.
4. Conviction of drunkenness or the use of narcotics.
5. Adjudication of insanity.
6. Securing a permit for gasfitting work not actually performed by the Class "A" Master Gasfitter or by certified employees under their control.
7. Securing a permit under pretext for an installation for which the applicant has no valid contract.
8. Performing gasfitting work as defined herein for which no gas permit has been obtained.
9. Refusing to finish work for which a permit was taken and for which payment was accepted.
10. False, misleading or deceptive advertising.
11. A license that is issued based on inaccurate or erroneous information.
12. A medical reason wherein a physician's medical opinion is provided to the Director indicating the person certified is unable to satisfactorily perform the duties and functions expected of a Class "A" Master Gasfitter or a Class "B" Journeyman Gasfitter license holder, and where further performance in the gasfitting field as a result of present continued activity or a future license renewal would be a danger to himself and endanger the life and property of others.

(b) Notice of revocation or suspension hearing -

The Mechanical Inspection Division may withhold the renewal of an applicant's license by the same process used for revocation or suspension of issued licenses, as described below.

If a report to the Director shows the existence of one or more of the above grounds for

revocation or suspension, or there is a written complaint of a person alleging the existence of the grounds, and, if the Director investigates and determines the grounds to be valid, it shall be his duty to serve the alleged violator a written notice of the alleged grounds for revocation or suspension. The written notice shall be served upon the holder of the license and shall indicate the time, date, and place of a hearing to be held. The written notice shall be served not less than ten (10) days and no more than thirty (30) days prior to the hearing.

The notice shall be sent by the Director and shall list the cause or causes for suspending or revoking the license. The notice may be mailed by registered or certified mail to the license holder at the business address given by him on the application for his license, or it may be served in person by a Police Officer or employee of the Department of Safety and Permits.

The license holder shall have the right to appear at the hearing, be represented by counsel, produce evidence, and cross examine witnesses.

If the notice has been served upon him and he fails to appear, the hearing may proceed without his presence.

Certified copies of convictions involving causes for suspension or revocation in either the Municipal courts of New Orleans or in the Criminal District Court of this Parish shall constitute prima facie evidence of a violation by the license holder.

All petitions shall be prepared and prosecuted by the Law Department.

111.14.1 APPEAL PROCEDURE

An appeal from the decision of the Director may be taken to the Board of Building Standards and Appeals within ten (10) days of written notification to the appellant.

111.15-GASFITTER AND OWNER'S RESPONSIBILITIES

A Class "A" Master Gasfitter licensed in accordance with these regulations shall be responsible

for defects of construction installed by him until the time as a Certificate of Approval has been issued by the Director. Also, all defects that may have been concealed by a Class "A" Master Gasfitter and discovered before the Certificate of Approval has been issued shall be the responsibility of and corrected by the Class "A" Master Gasfitter.

After the Certificate of Approval has been issued by the Director, the owner in whose name the gas meter is contracted for, shall be responsible for all defects.

111.16 - PERMIT REQUIRED

A Class "A" license holder proposing to install, repair or alter any equipment shall file an application for a permit with the Mechanical Inspection. A permit application shall only be accepted from a Class "A" Master Gasfitter with a current and active license. The permit application must be properly completed and personally signed by him.

No work may be commenced until the permit application is approved and issued by the Mechanical Inspection Division, except when failure to commence the work would be life-threatening or the work is an emergency due to a disaster or an uncontrolled event or occurrence.

The total fee for any work begun prior to obtaining the required permit, excepting the emergency or life-threatening conditions, shall be the listed permit fee plus a penalty fee of five (5) times the listed fee for the work. **The amount of the penalty fee for blatant and continuous violations of this Article, by any contractor, shall be at the discretion of the Director**

The application for the permit shall be in accordance with application forms provided by the Mechanical Inspection Division.

111.17 - PERMIT AND INSPECTION FEES

Five gas outlets and first 100 feet of gas line \$15.00.

Each additional outlet over 5, (for residential only) \$1.00

Each 100' of pipe or part thereof over first 100' \$12.00

Warm air furnace (gas or electric) see below

Water heater (gas or electric) "

Floor furnaces "

Panel heaters (gas or electric) "

Unit heaters (gas or electric) "

Duct heaters (gas or electric) "

Space heaters - commercial "

Ranges - commercial "

Special equipment (to include swimming pool boilers)

Under 50,000 Btu \$20.00

thru 200,000 Btu \$25.00

over 200,000 Btu \$30.00

Incinerators

thru 200,000 Btu \$35.00

over 200,000 Btu \$60.00

Range Hoods - commercial

25 sq. ft. or less of hood area \$20.00

Over 25 sq. ft. of hood area \$30.00

ALTERATION PERMITS - Alteration permits fees shall be based on contract price at a rate of \$30.00 for the first \$1500.00 of cost or part thereof plus \$10.00 for each additional \$1000.00 or part thereof.

These fees shall cover all inspections of the work for which a permit is issued, as well as the

issuance of the Certificate of Approval. There will be no charge for inspections of gas systems turned off because of fire, flood, or other causes as described above under “Permits Requirements”.

A permit shall be construed to be authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside provisions of this Code, or other ordinances adopted by the City of New Orleans, including the Comprehensive Zoning Ordinance. Nor shall the issuance of a permit prevent the Director from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code.

Every permit issued shall become invalid if:

1. the work authorized by the permit is not started within 6 months after its issuance, or
2. if the work authorized by the permit is suspended for more than 6 months after its issuance, or
3. if the work authorized by the permit is suspended or abandoned for a period of six (6) months after the time the work was started.

One or more extensions of time, for periods of not more than ninety (90) days each may be allowed for the permit, provided the extension is requested in writing and justifiable cause for the extension request is demonstrated to the Director. When an extension is granted it shall be in writing to the requestor from the Director.

111.18 - CONSTRUCTION DOCUMENTS:

Construction documents involving gas piping and gas equipment installations are to be submitted at the time of application for building permits. See **Article 106 - Construction Documents:** of the New Orleans Amendments to the International Building Code, for details.

111.19 - CERTIFICATES OF APPROVAL

The Director shall sign and issue all Certificates of Approval for the installation, repair or

alteration of all gasfitting work. The Certificate of Approval shall not be issued until all work has been inspected and found to comply with the requirements of this Code, and all other applicable safety codes and specifications.

The Certificate of Approval shall contain installed gas equipment data, name of the owner or owners, and exact location of the building or premises where the work was accomplished.

A register shall be kept recording the address of each building, proper description and location of the equipment inspected, the name of the owner or owners of the building, the date of the inspection. The person or persons for whom the inspection was made and the amount collected for the inspection shall also be listed.

111.20 - SPECIAL EVENTS

A Special Event shall include but not be limited to fairs, festivals, carnivals, circuses, road shows, trade shows, concerts, displays, expositions or other functions with a temporary status generally taking place outdoors and/or indoors at a permanent location or building and utilizing the gas service at the location or building for support of the event.

A permit is required for a Special Event temporary installation of cooking, heating or gas appliance. Permit fees are governed by Article 111.17.

All certificates of approval issued for a Special Event may be revoked at the discretion of the Director if the continued use of the gas equipment for the Special Event is so deemed unsafe and not in the interest of the safety, health and welfare of the general public for which the event was initially allowed.

All Special Event permits shall automatically expire at the end of ninety (90) days from the date of the initial issuance.

111.21 - CONNECTION OF GAS SERVICE

The Director has the sole responsibility and shall notify and authorize the utility company, via facsimile or telephone, to make the final gas meter connection of the building or premises gas system to the Utility Company's service facilities. To follow this authorization, the Director shall issue “*Entergy Permit & Inspection Desk Gas Meter Installation Authorization*” for that designated municipal address of the gas meter installation. No other person, firm or corporation shall be authorized to make this final connection.

The connection of gas from a privately owned source of supply to a gas system or equipment within or on a building or premises shall not be made until a special permit is secured from the Director authorizing the connections.

111.22 - DISCONTINUANCE OF GAS SERVICE

- (A) When the Director determines the construction, repair or installation of a gas installation, piping, equipment or appliances at a municipal address or location to be in a dangerous, hazardous or perilous condition and imminently threatening to the safety, health and welfare of the users, occupants or the general public, immediate notification shall be given to the utility company to disconnect the meter or remove utility service to the building or location. No utility service shall be resumed until the necessary corrections have been completed as required by this Code.
- (B) When in the opinion of the Director , a gas installation, piping, equipment or appliances in a building is unsafe or in a dangerous condition, or a gasfitter construction, installation, or repair work has been installed or is being used in violation of this Code or is being used in violation of the use provisions of the Comprehensive Zoning Ordinance, the Director shall send written notice to the person, firm or corporation responsible for the violation(s) to correct the condition(s) within the time specified in the written notice.

The period may not be extended except by a written request to and a written approval from the Director.

Failure to comply with this notice, shall empower the Director to:

- (1) request that charges be filed in the Municipal Court of the City of New Orleans; and/or
- (2) seek relief through Civil District Court or another Court of competent jurisdiction; and/or
- (3) notify as provided in Chapter 6, Article II, of the Code of the City of New Orleans, the owner of record and/or a person the City Attorney identifies as required to receive notice, to appear before an Administrative Hearing Officer to show cause why the owner and/or person should not be adjudicated as a violator to the Chapter 6, Article II.

If the determination of the above Courts and/or Administrative Agency is made that the owner and/or person is in violation of the provisions of this Code or the provisions of the Comprehensive Zoning Ordinance and the violations have not been corrected within ten (10) days of the determination that the owner is in violation, the Director shall have the authority to discontinue the service of the utility company until the time as corrections are made and the location is re-inspected and the utility company is notified in writing by the Director that the utility service(s) may be reconnected.

The Zoning Administrator must ascertain, and corroborate to the Director, that the above zoning violations have been corrected prior to reconnecting the utility service.

111.23 - GAS METER RELEASE AUTHORIZATION

“Entergy Permit and Inspection Desk Gas Meter Release Authorization” issued for gas meter service connection by the utility company within residential, commercial or industrial establishments shall be subject to renewal at the expiration of six (6) months from date of issuance by the Mechanical Inspection Division, if the meter is not installed prior to the

expiration date.

The release shall be issued only after a re-inspection of the location has been made and approved by the Director.

111.24 - WORK BY OTHER THAN GASFITTERS

No person, firm or corporation, erecting, repairing, or altering buildings, erecting signs, altering, changing, installing, plumbing or engaged in other work shall close in, conceal, cut, break, destroy, disconnect or in other manner interfere with the arrangements of any gas piping or gas appliances whether inside or outside of a building or premises without receiving a permit from the Director. Before the permit will be issued, the person, firm or corporation shall serve the Director with a written notice at least forty-eight (48) hours before the contemplated work is to be commenced. The work of altering, changing or disconnecting the gas piping or gas appliances must be done under the supervision of a certified Class "A" Master Gasfitter; in addition, this existing installation must be inspected by the Director before he issues the permit.

111.25 - DISPLAY OF MASTER GASFITTER CONTRACTOR'S SIGN AND PUBLIC ADVERTISING OR ADVERTISEMENTS OF SERVICES

Every location where work of a gasfitting nature is being done shall have displayed on a conspicuous place in front, a sign giving the name and address of the person, firm or corporation doing the gasfitter work and the words "CLASS "A" MASTER GASFITTER CONTRACTOR." The display of a sign by other than duly certified Class "A" Gasfitter Contractors shall constitute a violation of this Code.

The sign shall contain the name and license number of the Class "A" Master Gasfitter Contractor, and the name, address, and telephone number of his firm or corporation. All information on the sign shall be in letters not less than two (2) inches high.

All Class "A" Master Gasfitter Contractors shall install a sign on each work vehicle utilized in the performance of his duties and responsibilities as a Class "A" Master Gasfitter Contractor as defined in Article 111.1 of this Code. The vehicle sign shall contain the license number of the Class "A" Master Gasfitter Contractor, and the name, address and the telephone number of his firm or corporation, in letters not less than two (2) inches high.

Class "A" Master Gasfitter Contractors advertising or proposing to advertise to the general public for the purposes of obtaining work as defined in this Code, shall provide their name and license number, and the name, address and telephone number of his firm or corporation. The display of signs or advertising for the purposes of obtaining work by a person other than the licensed Class "A" Master Gasfitter Contractor shall constitute a violation of this Code.

False, misleading or deceptive advertising shall constitute an attempt to circumvent the general health, welfare and safety of the public and shall constitute a violation of this Code.

111.26 - EXTRA INSPECTIONS FEES

(a) **Extra Inspection or wasted trip** - When a Class "A" license holder has requested the Director make an inspection of an installation, the Director is to respond with a scheduled inspection. If, upon making the scheduled inspection, the Director determines the license holder has violated a requirement of this Code making extra inspections necessary, a fee of \$150.00 shall be charged to the license holder.

This charge is for each extra inspection made necessary as a result of blatantly incomplete work, inaccessibility to perform the inspection or for alterations to work previously accepted. This fee is in addition to the regular required permit fees.

(b) **Fire Marshal Inspection** - When a Class "A" license holder requests a complete gas inspection of existing installations to comply with the State Fire Marshal Act, a fee of

\$30.00 shall be charged.

- (c) **After Hour Inspections** - When a Class "A" Master Gasfitter requests a gas inspection to be performed at a time other than the designated working hours of the Mechanical Equipment Inspectors, the request and reason for the after hour inspection must be made to and approved by the Director prior to an inspector assignment.

A fee of \$175.00 shall be paid by the person, firm or corporation requesting the after hour inspection. Payment of this fee must be made to the "City of New Orleans" within forty-eight (48) hours of the request for the inspection and is to be paid in addition to the regular required permit fees in this Code.

111.27 – EXEMPTIONS

Nothing in this Code shall apply to companies regulated by the Louisiana Public Service Commission or the utility company where gas work is performed on the utility company property and on the supply side of the utility company meter.

111.28 - PLENUM SPACES

For requirements in plenum spaces, used for supply or return air systems, see *International Building Code*, 2006 edition, as amended, and NFPA-54.

111.29 - BASIC STANDARDS

No gasfitter work for light, heat or power shall be installed or placed in or on a building, structure or premises, unless this work is in conformity with current approved methods of construction. Compliance with the regulations in NFPA-54, the American Gas Association (AGA) and Underwriters Laboratories (UL) shall be prima facie evidence of conformity with approved methods.

Gas devices, fittings, materials, equipment, and appliances shall be those approved for the

purpose for which they are used. Only gas devices, fittings, materials, equipment, and appliances, that are constructed in conformity with their listing or labeled by a testing laboratory acceptable to the Director shall be installed. The satisfactory listing or labeling of these gas devices, fittings, materials, equipment, and appliances shall be the prima facie evidence of conformity with the requirements of this Code.

Installed gas piping and appliances shall conform to the requirements of the New Orleans Amendments to *The International Fuel Gas Code*, 2006 Edition, and The National Fuel Gas Code, (NFPA-54).

111.30 - STANDARD GASFITTER MATERIALS

Before gasfitter material, appliance, or equipment is used, it shall be constructed in conformity with the current methods (to include but not be limited to Underwriters Laboratory [UL], Factory Mutual [FM], Canadian Standards Association [CSA], American Gas Association [AGA], and others listed by the SBCCI PST & ESI (Public Safety Testing & Evaluation Service, Inc.) to insure safety to life and property.

111.31 ALTERNATE MATERIALS AND METHODS

Provisions of this code are not intended to prevent the use of material or methods of construction not specifically prescribed by this code, provided an alternate has been approved by the Director. The Director may approve an alternate, provided he finds that the alternate for the purpose intended is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The Director shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate. The Director may recommend an amendment to this Code in order to make permissible the use of the alternate. If in the opinion of the Director, the evidence and proof are not sufficient to justify

approval or recommendation for an amendment, the applicant may refer the entire matter to the Board of Building Standards and Appeals as specified in Article 104 of *The International Building Code*, 2006 Edition as amended.

111.32 - TESTS OF MATERIALS AND SYSTEMS OF CONSTRUCTION

Where new and/or alternate systems of construction, qualities of materials or tests are proposed for use, tests may be required by the Director. These tests shall be made at the expense of the owner or his agent by a testing laboratory or other organization approved for the purpose by the Director. Certified copies of all test reports shall be filed with the Director for his approval before the systems of construction or materials are used. The owner or his agent shall notify the Director of the time and location of all the tests so that he may be present.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS_____

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON_____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON_____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT: